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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,426	04/10/2006	Declan Patrick Kelly	NL031264US1	3750

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
HARVEY, DAVID E	

ART UNIT	PAPER NUMBER
2481	

NOTIFICATION DATE	DELIVERY MODE
04/28/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/575,426	KELLY, DECLAN PATRICK	
	Examiner	Art Unit	
	DAVID E. HARVEY	2481	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 February 2011*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-7,9,13-18,20-22 and 24-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1,4-7,9,13-18,20-22 and 24-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/10/2011*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/21/2010 has been entered.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> **(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.**

3. **Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Document #2003/0229899 to Thompson et al.**

A) The examiner again notes that, as recited in claim 1, the "playlist" and "functionality" terminology are broadly recited and unspecified;

B) As is shown in Figure 1A, Thompson et al. disclose a "playback device" comprising a processor [e.g., @ 1000] operating in accordance with the flowchart of Figure 3. As disclosed the playback system comprises:

1) Said ***processor*** (@ 1000 of Figure 1A) which is configured to receive event information (e.g., @ 2003 of Figure 2) contained within "a playlist" (e.g., the table of Figure 2 shown @107 of Figure 3);

2) An application server (e.g., @ 1101 of Figure 1A) which download an ***application*** to the processor for execution thereon (e.g., @ 104 and 108 of Figure 3) wherein said application provides functionality (@ 106 and 108 of Figure 3) associated with the event information (provided via 107 of Figure 3);

wherein:

a) The playlist is not included within the video data stream (e.g., @ "VOD Stream" of Figure 3) and, as such, is implicitly "changeable" without changing the data stream [i.e., given the fact

that they are separately stored/provided units and given that "changeable" merely means that it can be changed and not that it actually is changes];

b) The processor retrieves the event information from the playlist and only provides the event information to the application when the processor determines that a predetermined time in the data stream has been reached (e.g., @ 106 and 108 of Figure 3); and

c) The playlist comprises a "mark" (e.g., a given row of Figure 2) with a presentation time (@ 2001 of the given row) and said event information (e.g., @ 2003 of Figure 2) which is outputted, and therefor indicative of, when the playback device has reached the mark presentation time.

4. **Claim 4 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Document #2003/0229899 to Thompson et al. for the same reasons addressed above with respect to claim 1. Additionally:**

The "mark" in Thompson et al is a "link mark" in that it links actions with the video stream.

5. **Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Document #2003/0229899 to Thompson et al. for the same reasons addressed above with respect to claim 1. Additionally:**

The "mark" in Thompson et al is a "link mark" in that it links actions with the video stream.

6. **Claim 6 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Document #2003/0229899 to Thompson et al. for the same reasons addressed above with respect to claim 1. Additionally:**

The "mark" in Thompson et al is only used (i.e., and therefor "reserved for use by) the given downloaded application being executed.

7. **Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Document #2003/0229899 to Thompson et al. for the same reasons addressed above with respect to claim 6. Additionally:**

> Noting that meaning of "further information" is not defined in the claim, e.g., "further" with respect to what?, it is maintained that the information of column 2003 of Figure 2 in Thompson et al can be fairly labeled as "further information".

8. **Claim 9 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Document #2003/0229899 to Thompson et al. for the same reasons addressed above with respect to claim 1.**

9. **Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Document #2003/0229899 to Thompson et al. for the same reasons addressed above with respect to claim 1. Additionally:**

> Via the processing of Figure 2, the processor in Thompson et al established a timing correlation between the playback of the data stream and the event information retrieved from the playlist (e.g., @ 106 of Figure 3).

10. **Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Document #2003/0229899 to Thompson et al. for the same reasons addressed above with respect to claim 1. Additionally:**

> Noting that meaning of "timing information about when a section of the data stream is to be played" is not defined in the claim, it is maintained that the timing information" of column 2001 of Figure 2 in Thompson et al constitutes timing information about when such sections are to be played back (i.e., wherein "section" refers to a section of the video stream that contains said presentation time.

11. **Claim 15 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Document #2003/0229899 to Thompson et al. for the same reasons addressed above with respect to claim 1. Additionally:**

> Noting that meaning of "timing information about when a section of the data stream is to be played" is not defined in the claim, it is maintained that the timing information" of column 2001 of Figure 2 in Thompson et al constitutes timing information about when such sections are to be played back [i.e., wherein "section" refers to a given "section" of the video stream that begins with and follows said presentation time such that the execution of the event occurs at the beginning of the "section"].

That is, the presentation times set forth in column 2001 in Figure 2 in Thompson et al represent "start times" for corresponding "sections" of the video stream that start at the given presentation time; i.e., wherein, as claimed, the "section" has been given no specific meaning.

12. Claim 16 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Document #2003/0229899 to Thompson et al. for the same reasons addressed above with respect to claim 15.

Again, as noted above, the times set forth in column 2001 in Figure 2 of Thompson et al represent "start times" for corresponding "sections" of the video stream that start at the given presentation time.

13. **Claim 17 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Document #2003/0229899 to Thompson et al. for the same reasons addressed above with respect to claim 1. Additionally:**

It is maintained that in Thompson et al, the event information corresponding to the "next" mark must be retrieved from the playlist (@107) prior to the action/functionality to be executed given that it must be compared (@ 106); i.e., the mark information must be pre-fetched from the table in order to be compared (@ 106) with the running time of the data stream (i.e., received/provided @ 104).

14. **Claim 18 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Document #2003/0229899 to Thompson et al. for the same reasons addressed above with respect to claim 17.**

15. **Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Document #2003/0229899 to Thompson et al. for the same reasons addressed above with respect to claim 17.**

16. **Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Document #2003/0229899 to Thompson et al. for the same reasons addressed above with respect to claim 1. Additionally:**

It is maintained that in Thompson et al, the event information corresponding to the "next" mark must be retrieved from the playlist (@107) prior to the action/functionality to be executed given that it must be compared (@ 106); i.e.,

the mark information must be pre-fetched from the table in order to be compared (@ 106) with the running time of the data stream (i.e., received/provided @ 104).

17. Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Document #2003/0229899 to Thompson et al. for the same reasons addressed above with respect to claim 15.

Again, as noted above, the times set forth in column 2001 in Figure 2 of Thompson et al represent "start times" for corresponding "sections" of the video stream that start at the given presentation time.

18. Claim 26 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Document #2003/0229899 to Thompson et al. for the same reasons addressed above with respect to claim 15.

Again, as noted above, the times set forth in column 2001 in Figure 2 of Thompson et al represent "start times" for corresponding "sections" of the video stream that start at the given presentation time.

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> **(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.**

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

20. **Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Document #2003/0229899 to Thompson et al.**

Thompson et al discloses a play back device as was set forth above with respect to the rejection of claim 1.

Claim 21 differs from the showing of Thompson et al in that claim 21 indicates that the application does not monitor the play back; i.e., in contrast, the application in Thompson et al appears to comprise a processing loop for performing such monitoring [e.g., @ 104, 106, 108 of Figure 3].

The examiner takes Official Notice that it was notoriously well known in the application driven data processing arts to have utilized an "interrupt" processing configuration to notify the processor when to interrupt processing for input/output thereby advantageously avoiding the need for a programming loop of the type described in Thompson et al.; i.e., thereby enabling the processor to handles other tasks.
The examiner maintains that it would have been obvious to one of ordinary skill in the art to have modified the system disclosed by Thompson et al to have an interrupt driven input/output configuration to obtain the well known advantages thereof.

21. **Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Document #2003/0229899 to Thompson et al.**

Thompson et al discloses a play back device as was set forth above with respect to the rejection of claim 1.

Claim 24 differs from the showing of Thompson et al in that claim 21 indicates that the application does not monitor the play back; i.e., in contrast, the application in Thompson et al appears to comprise a processing loop for performing such monitoring [e.g., @ 104, 106, 108 of Figure 3].

The examiner takes Official Notice that it was notoriously well known in the application driven data processing arts to have utilized an "interrupt" processing configuration to notify the processor when to interrupt processing for input/output thereby advantageously avoiding the need for a programming loop of the type described in Thompson et al.; i.e., thereby enabling the processor to handles other tasks.
The examiner maintains that it would have been obvious to one of ordinary skill in the art to have modified the system disclosed by Thompson et al to have an interrupt driven input/output configuration to obtain the well known advantages thereof.

22. **The non-applied cited "prior art" has been cited as being illustrative of conventional interactive systems.**

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Peter-Anthony Pappas, can be reached on (571) 272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/
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